

Colorado State House of Representatives and Senate. In 1959 he was appointed by President Eisenhower as U.S. Attorney for Colorado.

In 1963, as the nominee for the Republican Party, he was elected to serve the 2nd Congressional District of Colorado in the U.S. House of Representatives. During his 5 terms in office he served on the House Interstate and Foreign Commerce Committee. He was instrumental in the passing of the Indian Peaks Wilderness Act, a national program to help runaway youth and establishing a tax credit for higher education expenses. He also helped shape the Clean Air Act and the Public Broadcasting Act. Mr. Brotzman was an early champion of stronger environmental oversight at the Rocky Mountain Arsenal, and due to his efforts, the Johnson administration commissioned a scientific study which led to the eventual cleanup and closure of this site.

He was also one of the first members to call for an all-volunteer army and the end of the draft during the Vietnam War. After serving in Congress, Mr. Brotzman was able to assist in the establishment of the all-volunteer army when he was named Assistant Secretary to the Army for Manpower and Reserve Affairs by President Ford. He served in this position for two years and explained his job as making "the all-volunteer army work."

In the Colorado State Legislature, Congress and two Republican Administrations, Mr. Brotzman served our country and Colorado well. His dedication to acting on his conscience and working on both sides of the aisle to better serve Colorado made him a leader in Congress.

Donald Brotzman died in September at the age of 82. During his lifetime he admirably served both his country and the state of Colorado. I would like to thank my colleagues from Colorado for their support of this bill and Chairman DAVIS and Ranking Member WAXMAN of the Government Reform Committee as well as the leadership of the House for making it possible for the bill to be considered today. I urge the passage of this bill.

#### THE 2-YEAR ANNIVERSARY OF THE NORTHERN MICHIGAN HOSPITAL NURSES STRIKE

#### HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Saturday, November 20, 2004*

Mr. STUPAK. Mr. Speaker, this week marks the 2-year anniversary of the strike of the nurses at Northern Michigan Hospital in Petoskey, MI, which began on November 14, 2002. This strike is now the longest nurses' strike in our nation's history.

Sadly, today many of these nurses have to travel to different communities to work. This strike has impacted local health care, and left a community divided. It needs to be resolved soon. This strike is even costing the hospital. NMH had an operating loss of over \$11 million dollars, largely because of \$14 million spent on replacement nurses.

Over the past 2 years, the hospital administration has shown clearly that its objection to bargaining demands by the striking nurses is not a matter of cost, but of opposition to union representation. The bottom line is these

nurses have voted twice for union representation, and they have a legal right to a contract. I will always support the right of employees to organize and to collectively bargain with their employers.

Since the beginning of this strike, I have visited the nurses on the picket lines, met with the hospital administration, and held a town hall meeting in Petoskey.

I have worked well with NMH over my 12 years in office and I have visited their facilities numerous times. It is time to bring back the experienced nurses who provided quality care at NMH for so long, and I urge the NMH administration to join the nurses and agree to binding arbitration or any other independent means so the community can move forward and heal.

Every employee has the right to collectively come together, to unionize if they choose, and to address employment concerns with their employer. When labor disputes polarize the parties and negotiations break down, it is the responsibility of community residents and leaders to let each side know how they feel and to encourage both sides to stay engaged in meaningful discussions to resolve their differences. Any strike, any disruption of employment of any industry, divides and hurts the very fabric that composes any community. The NMH strike has torn at the very heart of the Petoskey area. It is time to end the division and reconcile the community, beginning with NMH.

#### SONNY'S GRILL ANNIVERSARY

#### HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, November 20, 2004*

Mr. MICA. Mr. Speaker, Mr. BURR, Mr. BALLENGER and Mr. COBLE join me in recognizing December 13, 2004 as the 50th Anniversary of Sonny's Grill in Blowing Rock, North Carolina.

Half a century ago, on December 13, 1954, the late Sonny Klutz opened the door for a small-town eatery on Blowing Rock's Main Street. For five decades that three table, eight stool restaurant has been the eating and meeting place for locals, tourists and after school children. Only the sweet potato pancakes, ham or sausage biscuits, livermush, hamburger and other variety of country cooking surpass the wonderful mixture of Sonny's Grill's customers and conversations.

With a storefront suspended in time, whatever Sonny's lacks in decor is made up in the warmth of easygoing folks who work and dine there. On the edge of the magnificent Blue Ridge Mountains, in the center of a beautiful small town, Blowing Rock, Sonny's Grill, and the good fellowship it has provided for half a century, is at the heart of what makes America great.

Congratulations to Sonny Klutz's widow, Mrs. Lavaughn Klutz, manager Robert Cheves and all the wonderful staff and patrons of Sonny's Grill on this special occasion.

TRIBUTE TO EDWARD M.  
AUGUSTUS, JR.

#### HON. JAMES P. MCGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Saturday, November 20, 2004*

Mr. MCGOVERN. Mr. Speaker, today we will close another chapter in the history of this great institution when we adjourn the 108th Session of Congress. The end of every session is always an occasion to pause and reflect, however that is especially true for me today because it also marks the last session that I will have the special privilege of Ed Augustus as my Chief of Staff.

To a great extent, all of us in elected office ultimately succeed or fail based upon the people we choose to surround ourselves with. As a former congressional staffer, I know well where the heavy lifting is done in meeting the daily demands of serving the public and discharging the duties of this office. With that in mind, I consider myself truly blessed to have had Ed Augustus as my Chief of Staff for these past six years. During that time, I have routinely relied on his wise counsel, depended on his keen instincts and trusted his good judgment in directing all aspects of my congressional office.

I have called on Ed to perform some extraordinary tasks during his tenure. In each and every instance, he has performed magnificently. Most notably, he coordinated President Clinton's historic visit to the City of Worcester, Massachusetts in 1998 and then the federal relief efforts for the same city following the tragic death of six firefighters a year later. Ed was also instrumental in resolving two very difficult labor disputes that threatened nursing care and public transportation for thousands of Central Massachusetts residents, and played a pivotal role in promoting numerous economic development initiatives that are right now improving the quality of life for families all across my congressional district.

Mr. Speaker, in addition to being an exceptional Chief of Staff, Ed Augustus is one of the most thoroughly decent people I know. He possesses a boundless reservoir of compassion and a genuine desire to help those in need. He is a devoted son, loving brother, proud uncle and the most loyal friend a person could ask for. And so, while I am sad to see him leave his position on my staff, I am gratified to know that he will be serving an equally important purpose in the future.

On January 5, 2005, Edward Michael Augustus, Jr. will be sworn in as a member of the Massachusetts State Senate, and instantly that distinguished body will be made better by his presence. The people of the Second Worcester District could not have found a more able and dedicated public servant to represent their interests on Beacon Hill if they had searched the world over. In fact, all citizens of the Commonwealth of Massachusetts stand to gain immensely from the tremendous contributions Ed will undoubtedly make to public discourse and debate in our great state. School children in particular will soon discover an eloquent and powerful champion for the cause of improving public education all across the Commonwealth.

Mr. Speaker, Ed Augustus will be a great leader in the Massachusetts Legislature because he has entered politics for the right reason—to help people. I believe public service is

an honorable calling and a noble profession. I am certain Ed will live up to that high standard and I expect great things from him in the future.

For now, however, I would like to simply thank him for sharing his many talents with me these past six years, and for the sterling level of service he has provided to the people of the Third Congressional District. Indeed, all of us in this House owe Ed a debt of gratitude.

Mr. Speaker, I am eternally grateful to Ed for his efforts and I will always cherish his friendship. So in that spirit, I would like to close by offering my friend and colleague some words of advice as he prepares to return to elected office. They are words with which I know he is familiar as a scholar of American Presidents, and I hope he will carry them with him as he embarks on the next phase of his career in public service:

It is not the critic who counts; not the man who points out how the strong man stumbles or where the doer of deeds could have done better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood, who strives valiantly, who errs and comes up short again and again; who knows the great enthusiasms, the great devotions, and spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement; and who at the worst, if he fails, at least fails while daring greatly; so that his place shall never be with those cold and timid souls who know neither victory nor defeat.—President Theodore Roosevelt.

From the bottom of my heart, thank you Ed Augustus.

CONFERENCE REPORT ON H.R. 1350,  
INDIVIDUALS WITH DISABILITIES  
EDUCATION IMPROVEMENT ACT  
OF 2004

SPEECH OF

**HON. TIM MURPHY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 19, 2004*

Mr. MURPHY. Mr. Speaker, for many years, discussion of the Individuals with Disabilities Act (IDEA) has focused on what has and what has not worked well.

Let me draw upon my first hand experience as a psychologist who has participated in many of these discussions regarding learning disabled children, who were patients of mine. Many of these Individualized Education Plan (IEP) meetings were bogged down by procedures, paperwork and policy rather than working to help a child's reading, writing and arithmetic.

As a result of my experiences with IDEA, I am convinced that the law needed to be updated in order to properly refocus our efforts on to the task of educating our nation's children. And, I believe that the "Improving Education Results for Children With Disabilities Act of 2003," (H.R. 1350) provides many of the needed changes.

As the Chairman of the Congressional Mental Health Caucus, I am particularly pleased with the bill's provisions to improve the definition of 'specific learning disabilities.' This conference report allows alternate assessment methods, such as the Response to Intervention Model (RTI), for measuring yearly

progress to protect against the overidentification and misidentification of disabled children. RTI will ensure that children receive scientifically based instruction as soon as possible instead of relying on the outdated IQ-achievement discrepancy model as the sole measure of a student's IDEA eligibility.

And while many children need and benefit from pharmaceutical assistance to overcome their disabilities, far too often, people turn to medication in lieu of creating a solid working team of parents and educators to ensure the education of our children.

The reauthorization of IDEA establishes policies that prohibit school personnel from requiring a child to be prescribed medication in order to attend school or to receive IDEA services. Medications for disabled students should only be prescribed by physicians with expertise in treating disabled children and only when necessary.

In the area of discipline, past practices prevented school personnel from holding children with learning disabilities responsible for their behavior and students with learning disabilities were held to different standards than mainstream students. For the same severe offense, a mainstream student would be expelled while a learning disabled student would be returned to the classroom.

To help children learn accountability, teachers must be able to hold them responsible for their actions. To teach children that good and bad behavior has consequences, the school must be able to enforce these consequences.

We must also recognize that special education services are expensive and that with these federal mandates must come increased funding. I applaud the work of my Republican colleagues for increasing funding for special education grants to the States by over 383 percent for a total of \$11.1 billion in the past 10 years. However, we must increase that funding to levels that better meet the needs of our children.

While we all are concerned with the funding of our nation's special education programs, I join the National Education Association, the IDEA, Infant and Toddler Coordinators Association and the National Schools Boards Association in supporting the "Improving Education Results for Children With Disabilities Act of 2003," (H.R. 1350). I am also aware of many of the concerns raised by parents, teachers and students regarding the implementation of IDEA, and I will work with my colleagues to revisit these issues to ensure that teachers and parents have the tools necessary to provide America's children with the education they deserve.

PERSONAL EXPLANATION

**HON. LUIS V. GUTIERREZ**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Saturday, November 20, 2004*

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent Tuesday, November 16, 2004, from this chamber. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall vote 531.

"ERASING THE RULES":  
NEWSDAY'S INVESTIGATIVE SERIES  
ON OSHA, FROM 2001-2004

**HON. MAJOR R. OWENS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Saturday, November 20, 2004*

Mr. OWENS. Mr. Speaker, Newsday recently published an important investigative series highlighting the Occupational Safety and Health Administration's (OSHA) abysmal track record during the first term of the Bush Administration. In this series of articles entitled "Erasing the Rules," Newsday reporters outline OSHA's failure over the past 4 years to issue a single "significant" regulation or standard protecting worker health or safety. This failure is unprecedented in the history of the Occupational Safety and Health (OSH) Act. Since the OSH Act was first enacted in 1970, every other Administration has issued regulations to protect worker safety in a manner deemed economically significant—either saving or costing society \$100 million dollars, or more. Furthermore, as his first Congressional act President George W. Bush repealed the mandatory standard on ergonomics. He thereby abolished any effort to address the hundreds of thousands of repetitive motion injuries suffered by American workers every year.

Mr. Speaker, this series exposes the steps taken by OSHA over the past 4 years to turn back the clock on worker safety and health and I urge my colleagues to read it. I am therefore submitting a portion of the Newsday "Erasing the Rules" series on OSHA for the RECORD and ask that it be printed. The remainder of the series will be examined on [www.Newsday.com](http://www.Newsday.com).

[From Newsday, Oct. 21, 2004]

ERASING THE RULES

(By Tom Brune)

MANY AGENCIES HEADED BY INDUSTRY VETERANS WHO ARE WATERING DOWN REGULATION

Five minutes after an operator drained a chemical runoff pit at a paper mill in Pennington, Ala., an invisible deadly cloud of hydrogen sulfide seeped out of the sewer, killing two nearby workers and injuring eight others.

The cloud resulted from an unplanned chemical reaction, created when the drained pool of spilled NaSH, a chemical used to pulp wood, unexpectedly mixed with sulfuric acid that had been added to the sewer to control acidity.

And it added another tragedy to the scores of reactive chemical accidents at workplaces—resulting in toxic releases, fires or explosions—that have killed more than 100 workers and caused hundreds of millions of dollars in damages since 1980, according to the U.S. Chemical Safety and Hazard Investigation Board.

The problem is so grave that in 2002, the year of the paper mill deaths, the Chemical Safety Board recommended that federal regulators revise a key safety regulation on chemical process management to require companies to take steps to prevent a broader range of unintended chemical reactions.

But the Bush administration's director of the Occupational Safety and Health Administration, a veteran chemical company safety executive named John Henshaw, has so far declined to do so.

Instead, OSHA has formed a cooperative partnership that it calls an "alliance" with the chemical industry to highlight the issue